



U.S. Department of Justice

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Eastern District of New York

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October 26, 2005

By ECF & Hand Delivery

Honorable Edward R. Korman

Chief United States District Judge

United States District Court

Eastern District of New York

225 Cadman Plaza East

Brooklyn, New York 11201

*I do not view the matters as  
related within the meaning of  
the Court's Rules  
... USDJ  
10/28/05*

Re: GP-UHAB HDFC et. al. v. Jackson  
Civil Action No. 05-4830 (Sifton, J.) (Go, M.J.)

*cc: all counsel  
Judge Sifton  
Judge Go  
Judge Pohorelsky*

Dear Chief Judge Korman:

Pursuant to Local Civil Rule 1.6(a) and Rules 50.3(e), (f) and 50.4 of the Rules for the Division of Business Among District Judges, Eastern District (the "Guidelines"), the government writes to respectfully advise the Court that this action is "related," as defined by these rules to the civil action Morris v. Jackson et. ano., Civil Action No. CV 04-1913 (Ross, J.) (Pohorelsky, M.J.), which was closed in June 2005, less than four months ago. The government respectfully requests the transfer of the above-referenced action to the Honorable Allyne R. Ross because it is directly related to another action which was litigated before Judge Ross. Plaintiffs' counsel, Edward Josephson, Esq., and Neal M. Goldman, Esq., consent to the relation of this action to the prior civil matter.

In the above-referenced civil case, plaintiffs seek a permanent injunction directing HUD to renew the project based Section 8 housing contract for the property located at 940-950 Gates Avenue, Brooklyn, New York 11221 ("Gates Patchen Apartments") following plaintiff GP-UHAB HDFC's acquisition of title of the Gates Patchen Apartments. The current owner of the Gates Patchen Apartments, GP-UHAB HDFC, acquired title in July 2005, following transactions between the previous owners, HUD and the City of New York. The prior civil matter, Morris v. Jackson et. ano., which sought a preliminary injunction against HUD related to the sale and/or foreclosure of

the Gates Patchen Apartments, involved the same property as at issue in the instant matter and specifically involved issues related to foreclosure and transfer of title in the Gates Patchen Apartments which occurred in July 2005.

Rule 50.3(e) of the Guidelines provides that related cases shall be assigned to the same judge. Where the Clerk of the Court has failed to assign related cases to the same judge, the Court may transfer the action upon agreement of all of the judges to whom the related cases are and were assigned. See Guidelines Rule 50.3(f). Once all the judges agree upon the transfer, then the Clerk of the Court is notified and may transfer the action. Id.

Moreover, the Court should transfer the action to conserve judicial resources and foster judicial economy. Judge Ross presided over the previous action and is familiar with the facts and allegations set forth in the therein, which encompasses the litigative history relative to plaintiffs' current application.

For the foregoing reasons, the government respectfully requests that the Court transfer the instant action to Judge Ross.

Respectfully submitted,

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United States Attorney

By: /s/ (electronically filed)  
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cc: By ECF & Hand Delivery

Civil Action No. CV 05-4830

Honorable Charles P. Sifton

Magistrate Judge Marilyn D. Go

Civil Action No. CV 04-1913

Honorable Allyne R. Ross

Magistrate Judge Viktor V. Pohorelsky

By ECF & Regular Mail

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